

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

THE UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	
IOWA TURKEY PRODUCTS, INC.,)	
)	
Defendant.)	
_____)	

COMPLAINT

The United States of America ("United States"), by authority of the Attorney General of the United States and through undersigned counsel, acting at the request and on behalf of the U. S. Environmental Protection Agency ("EPA") and the U.S. Department of Interior (U.S. Fish and Wildlife Service and National Park Service), files this Complaint and alleges as follows:

NATURE OF ACTION

1. This is a civil action for injunctive relief and civil penalties brought against the Iowa Turkey Products, Inc. ("ITP" or "Defendant") for numerous violations of federal environmental laws at its turkey processing facility ("Facility") in Postville, Iowa, and for damages for injury to, destruction of, and/or loss of natural resources resulting from the release of hazardous substances from its Facility to the publicly owned treatment works ("POTW") owned and operated by the City of Postville, Iowa, ("City"), that caused or contributed to a significant discharge in March 2000 ("March 2000 Discharge Event")

that contributed to the killing of fish and other aquatic life in the Yellow River ("aquatic life kill"). Specifically, this action is brought by the United States pursuant to Sections 309(b) and (d) and 311(f) of the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 and the Water Quality Act of 1987 ("CWA"), 33 U.S.C. §§ 1319(b) and (d) and 1321(f); Section 304(a) of the Emergency Planning and Community Right to Know Act ("EPCRA"), 42 U.S.C. § 11004(a); Sections 103(a) and 107 of the Comprehensive Environmental Response, Compensation, and Recovery Act of 1980, as amended ("CERCLA"), 42 U.S.C. §§ 9603(a) and 9607; and the Park System Resource Protection Act ("PSRPA"), 16 U.S.C. § 19jj.

2. The United States seeks injunctive relief and the assessment of civil penalties against Defendant for unlawful discharges of wastewater into the City's POTW, in violation of Sections 301 and 307 of the CWA, 33 U.S.C. §§ 1311 and 1317, and Pretreatment Standards under the National Pollutant Discharge Elimination System permit ("NPDES Permit" or "Permit") issued to the City pursuant to Section 402 of the CWA, 33 U.S.C. § 1342; and for failure to provide all appropriate emergency notifications to State and federal authorities following the release of approximately 7500 pounds of anhydrous ammonia from Defendant's Facility in December 2003, in violation of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and Section 304 of EPCRA, 42 U.S.C. § 11004.

3. The United States seeks monetary relief for natural resource damages, including compensatory restoration and/or past assessment costs, against Defendant

as a consequence of injuries to, destruction of, and/or loss of natural resources and the services they provide, as a result of the release of hazardous substances from the March 2000 Discharge Event that contributed to the aquatic life kill in the Yellow River.

JURISDICTION AND VENUE

4. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1345, and 1355, and Section 309(b) of the CWA, 33 U.S.C. § 1319(b), Section 109(c) of CERCLA, 42 U.S.C. § 9609(c), and Section 325(b) of EPCRA, 42 U.S.C. § 11045(b).

5. Authority to bring this action on behalf of the United States is vested in the United States Department of Justice by 28 U.S.C. §§ 516 and 519, and by Section 506 of the CWA, 33 U.S.C. § 1366.

6. Notice of the commencement of this action has been given to the State pursuant to Section 309(b) of the CWA, 33 U.S.C. § 1319(b).

7. Venue lies in the Northern District of Iowa pursuant to Section 309(b) of the CWA, 33 U.S.C. § 1319(b), Section 109(c) of CERCLA, 42 U.S.C. § 9609(c), Section 325(b)(3) of EPCRA, 42 U.S.C. § 11045(b)(3), and 28 U.S.C. §§ 1391(b) and 1395(a), because Defendant resides and is located in this judicial district and the violations alleged in this Complaint are alleged to have occurred in this judicial district.

DEFENDANT

8. Defendant ITP is a corporation organized and existing under the laws of the State of Iowa. ITP is currently a wholly owned subsidiary of Turkey Valley Farms.

9. During all times relevant here, ITP owned and operated and was in charge of a turkey processing plant located at 715 West Tilden Street in Postville, Iowa, Allamakee County.

10. ITP is a "person" within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5), Section 101(21) of CERCLA, 42 U.S.C. § 9601(21), and Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

11. ITP's turkey processing plant is a "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9), and Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).

12. ITP is an "industrial user" as defined by 40 C.F.R. § 401.3(h) and a "significant industrial user" as defined by 40 C.F.R. § 403.3(t).

STATUTORY BACKGROUND

CLEAN WATER ACT

13. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), and implementing regulations, prohibit the discharge of pollutants into navigable waters of the United States by any person, except as in compliance with other sections of the CWA, including Sections 307 and 402, 33 U.S.C. §§ 1317 and 1342, which govern activities subject to the CWA Pretreatment Program and the issuance of NPDES permits.

14. Under Section 402(a) of the CWA, 33 U.S.C. § 1342(a), the Administrator of EPA may issue NPDES permits that authorize the discharge of pollutants into navigable waters of the United States, subject to the conditions and limitations set forth in such permits.

15. Section 402(b) of the CWA, 33 U.S.C. § 1342(b), provides that a state may establish its own NPDES permit program and, after receiving approval of its program by the EPA Administrator, may issue permits.

16. Effluent limitations, as defined in Section 502(11) of the CWA, 33 U.S.C. § 1362(11), are restrictions on the quantity, rate, and concentration of chemical, physical, biological, and other constituents of wastewater discharges into navigable waters of the United States.

17. Effluent limitations are among the conditions and limitations prescribed in NPDES permits issued under Section 402(a) of the CWA, 33 U.S.C. § 1342(a), and the states' NPDES programs.

18. Section 307 of the CWA, 33 U.S.C. § 1317, authorizes the adoption of regulations establishing Pretreatment Standards for the introduction of pollutants into POTWs which are not susceptible to treatment at the POTW or which would interfere with the operation of the POTW.

19. Pretreatment Standards established at 40 C.F.R. Part 403 have been promulgated under Section 307 of the CWA, 33 U.S.C. § 1317, and contain a general prohibition, at 40 C.F.R. § 403.5(a), against the introduction into a POTW of any pollutant or pollutants that cause interference or pass-through, as those terms are defined at 40 C.F.R. § 403.3(i) and (n), respectively, and specific prohibitions as described in 40 C.F.R. § 403.5(b), against the introduction of certain pollutants into a POTW.

20. Pretreatment limits developed to protect a POTW from the introduction of pollutants into the POTW that would cause interference or pass-through, or would violate one of the specific Pretreatment prohibitions, are "local limits" as defined by 40 C.F.R. § 403.5(d) and "Pretreatment Standards" for purposes of Section 307(c) of the CWA, 33 U.S.C. § 1317(c).

21. Section 309(b) of the CWA, 33 U.S.C. § 1319(b), authorizes the Administrator of EPA to commence a civil action for appropriate relief when any person violates, *inter alia*, Sections 301 and 307 of the CWA, 33 U.S.C. §§ 1311 and 1317, or a condition or limitation contained in an NPDES permit issued under Section 402 of the CWA, 33 U.S.C. § 1342.

22. EPA retains concurrent enforcement authority with authorized state NPDES programs under Sections 309 and 402(i) of the CWA, 33 U.S.C. §§ 1319 and 1342(i).

23. Section 309(d) of the CWA, 33 U.S.C. § 1319(d), provides that any person who violates the CWA, including Sections 301 or 307, or any permit condition or limitation in an NPDES permit issued under Section 402, shall be subject to a maximum civil penalty of \$25,000 per day per violation. Under 40 C.F.R. Part 19, Adjustment of Civil Monetary Penalties for Inflation, as amended, and pursuant to 28 U.S.C. § 2461, the civil penalty amount has been raised to \$27,500 a day for each violation occurring after January 30, 1997, and to \$32,500 a day for each violation occurring after March 15, 2004 (See 69 Fed. Reg. 7121, February 13, 2004).

NATURAL RESOURCE DAMAGES

24. Section 107 of CERCLA, 42 U.S.C. § 9607, Section 311(f) of the CWA, 33 U.S.C. § 1321(f), and PSRPA, 16 U.S.C. § 19jj, authorize the recovery of monies for damages for injury to, destruction of, and/or loss of natural resources belonging to, managed by, held in trust by, controlled by or appertaining to the United States as trustee for those resources, for use to restore, replace or acquire the equivalent of such natural resources, and to recover the costs of assessing such damages.

25. Pursuant to Executive Order 12580, and the National Contingency Plan, 40 C.F.R. Part 300, the President of the United States has delegated to the Department of the Interior, on behalf of the United States Fish and Wildlife Service and National Park Service, authority to act as trustee for natural resources that may have been, or in the future may be, injured by the release of hazardous substances at a facility.

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND RECOVERY ACT

26. Section 103(a) of CERCLA, 42 U.S.C. § 11003(a), and regulations at 40 C.F.R. § 302.6, require any person in charge of a vessel or an onshore or offshore facility, as soon as he has knowledge of any release (other than a federally permitted release) of a hazardous substance from such vessel or facility in quantities equal to or greater than the reportable quantity established pursuant to Section 102 of CERCLA, 42 U.S.C. § 9601, to immediately notify the National Response Center of such release.

27. Pursuant to Section 102 of CERCLA, 42 U.S.C. § 9602, regulations promulgated at 40 C.F.R. §§ 302.4 and 302.5 identify the hazardous substances and

reportable quantities, respectively, subject to the reporting requirements under Section 103(a) of CERCLA.

28. Pursuant to Section 109(c) of CERCLA, 42 U.S.C. § 9609(c), a civil action to assess penalties may be brought against a person who violates various provisions of CERCLA, including Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

29. Section 109(c) of CERCLA authorizes a civil penalty of not more than \$25,000 for each continuing day of a violation of Sections 103(a) of CERCLA. Under the Debt Collection Improvement Act of 1996, as implemented by the Civil Monetary Penalties Inflation Rule, 40 C.F.R. Part 19, as amended, penalties of not more than \$27,500 may be assessed for each continuing day of a violation of Section 103(a) of CERCLA that occurs after January 30, 1997, and penalties of not more than \$32,500 may be assessed for each continuing day of a violation occurring after March 15, 2004 (See 69 Fed. Reg. 7121, February 13, 2004).

EMERGENCY PLANNING AND COMMUNITY RIGHT TO KNOW ACT

30. Section 304 of EPCRA, 42 U.S.C. § 11004, and the regulations promulgated thereunder and codified at 40 C.F.R. § 355.40, require the owner or operator of a facility at which hazardous chemicals are produced, used, or stored and at which there is a release of a reportable quantity of any EPCRA extremely hazardous substance or CERCLA hazardous substance to immediately notify the State Emergency Response Commission ("SERC") of any state likely to be affected by the release and the emergency coordinator for the Local Emergency Planning Committee ("LEPC") for

any area likely to be affected by the release.

31. "Hazardous chemical" has the meaning given such term by Section 1910.1200(c) of Title 29 of the Code of Federal Regulations. 42 U.S.C. § 11021(e).

32. Pursuant to Section 302(a) of EPCRA, 42 U.S.C. § 11002(a), regulations promulgated at 40 C.F.R. Part 355, Appendices A and B, identify the extremely hazardous substances and reportable quantities subject to the reporting requirements under Section 304(b) of EPCRA.

33. As used in Section 304(a) of EPCRA, CERCLA hazardous substances are those identified pursuant to Section 102 of CERCLA, 42 U.S.C. § 9602, in regulations promulgated at 40 C.F.R. § 302.4, and with reportable quantities as identified by 40 C.F.R. § 302.5.

34. Pursuant to Section 325(b)(3) of EPCRA, 42 U.S.C. § 11045(b)(3), a civil action to assess penalties may be brought against a person who violates Section 304 of EPCRA, 42 U.S.C. § 11004.

35. Section 325(b)(3) of EPCRA authorizes a civil penalty of not more than \$25,000 for each continuing day of a violation of Sections 304 of EPCRA. Under the Debt Collection Improvement Act of 1996, as implemented by the Civil Monetary Penalties Inflation Rule, 40 C.F.R. Part 19, as amended, penalties of not more than \$27,500 may be assessed for each continuing day of a violation of Section 304 of EPCRA that occurs after January 30, 1997, and penalties of not more than \$32,500 may be assessed for each continuing day of a violation occurring after March 15, 2004

(See 69 Fed. Reg. 7121, February 13, 2004).

GENERAL ALLEGATIONS

CLEAN WATER ACT VIOLATIONS

36. EPA approved the State's NPDES permit program under the authority of Section 402(b) of the CWA, 33 U.S.C. § 1342(b), on August 10, 1978.

37. EPA approved the State's Pretreatment program under the authority of Section 402(b) of the CWA, 33 U.S.C. § 1342(b), on June 3, 1981, as an addition to the State's approved NPDES program.

38. The City owns and operates a POTW that is a controlled release lagoon system exclusively dedicated to receiving and treating wastewater from two industrial users, including ITP, through sewer lines that run to the POTW.

39. The POTW is located within Section 33, Township 96N, Range 6W, Allamakee County, Postville, Iowa.

40. The POTW was constructed in 1967 and has been modified and expanded several times since that date.

41. The POTW is a four-cell lagoon system and has no mechanical treatment, but rather relies on time-in-retention for biological processes to reduce the level of pollutants in the water prior to its release into the receiving stream. Some aeration equipment has been added to the POTW to increase the pollution reduction efficiency of the treatment process.

42. The POTW discharges to an unnamed stream, sometimes referred to as

Hecker Creek, and then to the Yellow River.

43. The unnamed stream and the Yellow River are each a "navigable water" and a "water of the United States" under Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

44. The State issued NPDES Permit number IA0375002 to the City, which contains both final effluent limitations for the City's POTW and Pretreatment limits for the industrial users, including ITP, and was most recently reissued on November 27, 1995, and expired on November 26, 2000.

45. The Pretreatment limits for each industrial user were negotiated between the City and the industrial user in a document identified as a "Treatment Agreement," which was reviewed and approved by the State and incorporated into the City's NPDES Permit.

46. The Permit has been amended several times during its five-year permit cycle, including on September 9, 1996, to revise the Pretreatment effluent limitations for the industrial users, including ITP, and again on September 16, 1996, to correct a typographical error.

47. The City filed a timely permit application before the Permit expired and, under State law, the Permit was administratively extended.

48. The discharge point for the City's POTW, identified as "Outfall No. 001," is a "point source" within the meaning of Section 502(14) of the CWA, 33 U.S.C. § 1362(14).

49. Wastewaters discharged from the industrial users to the POTW, and thereafter from the City's POTW to waters of the United States, are "pollutants" within the meaning of Section 502(6) of the CWA, 33 U.S.C. § 1362(6).

50. Discharges from Postville's POTW constitute "discharges of pollutants" within the meaning of Section 502(12) of the CWA, 33 U.S.C. § 1362(12).

NATURAL RESOURCE DAMAGES

51. The March 2000 Discharge Event was a discharge of pollutants from the industrial users to the POTW, and thereafter from the City's POTW to waters of the United States, in violation of the City's NPDES Permit and the CWA, which resulted in the release of hazardous substances, including ammonia, that contributed to the aquatic life kill in the Yellow River. Section 311(b)(2) of the CWA, 33 U.S.C. § 1321(b)(2); Section 102 of CERCLA, 42 U.S.C. § 9602; 40 C.F.R. § 117.3; and 40 C.F.R. § 302.4.

52. As a result, the United States is authorized, pursuant to Section 107 of CERCLA, 42 U.S.C. § 9607, Section 311(f) of the CWA, 33 U.S.C. § 1321(f), and PSRPA, 16 U.S.C. § 19jj, to seek recovery for damages for injuries to, destruction of, and/or loss of natural resources and the services they provide, including the costs of assessing such damages, resulting from the March 2000 Discharge Event that contributed to the aquatic life kill.

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND RECOVERY ACT VIOLATIONS

53. At all times relevant here, ammonia (anhydrous) was used by ITP in its refrigeration system.

54. Ammonia is a hazardous substance as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), with a reportable quantity of 100 pounds, as designated by 40 C.F.R. §§ 302.4 and 302.5.

EMERGENCY PLANNING AND COMMUNITY RIGHT TO KNOW ACT VIOLATIONS

55. At all time relevant here, hazardous chemicals, as defined by Section 329(5) of EPCRA, 42 U.S.C. § 11049(5), were produced, used or stored at the ITP Facility.

56. Ammonia is an extremely hazardous substance, as defined by Section 329(3) of EPCRA, 42 U.S.C. § 11049(3), and as designated pursuant to Section 302(a) of EPCRA, 42 U.S.C. § 11002(a), and listed in 40 C.F.R. Part 355, Appendix A, with a designated reportable quantity of 100 pounds.

FIRST CLAIM OF RELIEF

(Violation of Pretreatment Standards under the CWA)

57. The allegations of the foregoing Paragraphs are incorporated herein by reference.

58. At all times relevant here, ITP's Facility produced wastewater from its processing plant and sanitary system.

59. The wastewater was screened for solids removal then routed to a

dissolved air flotation ("DAF") pretreatment unit that was installed at the Facility in 1999. After sludge generated within the DAF unit was removed, the wastewater was sent to the City's POTW.

60. In 2000, ITP began adding chemicals and polymers to the DAF unit to remove more solids and biochemical oxygen demand ("BOD") from the wastewater prior to discharge to the POTW.

61. The City's current NPDES Permit incorporates a Treatment Agreement containing Pretreatment limitations for ITP, which are enforceable "local limits" under 40 C.F.R. § 403.5, to ensure compliance with the City's NPDES Permit.

62. ITP's discharge to the POTW has been subject to enforceable Pretreatment limitations for flow, five-day biochemical oxygen demand ("BOD₅"), total suspended solids ("TSS"), ammonia, total Kjeldahl nitrogen ("TKN"), pH, and oil and grease. The limitations currently in effect under the 1996 amendment to ITP's Treatment Agreement include limitations for flow, BOD₅, TSS, oil and grease, and pH.

63. Pretreatment limitations for ITP are Pretreatment Standards pursuant to Section 307 of the CWA, 33 U.S.C. § 1317.

64. Over the past five years and before, ITP has violated the limitations for BOD₅ and TSS.

65. ITP is therefore in violation of Sections 301 and 307 of the CWA, 33 U.S.C. §§ 1311 and 1317, and the Pretreatment Regulations at 40 C.F.R. § 403.5.

SECOND CLAIM FOR RELIEF

(Interference and/or Pass-Through at a POTW Under the CWA)

66. The allegations of the foregoing paragraphs are incorporated herein by reference.

67. The City's NPDES Permit contains effluent limitations for flow, five-day carbonaceous biochemical oxygen demand ("CBOD₅"), TSS and pH.

68. Over the past five years and before, the City has violated the limitations for flow, CBOD₅, TSS and pH.

69. ITP's discharges to the POTW, alone or in conjunction with the discharge or discharges from other sources, have caused the City to violate the final effluent limitations of NPDES Permit number IA0375002.

70. ITP is therefore in violation of Sections 311 and 307 of the CWA, 33 U.S.C. §§ 1311 and 1317, and the Pretreatment Regulations at 40 C.F.R. § 403.5.

THIRD CLAIM FOR RELIEF

(Natural Resource Damages)

71. The allegations of the foregoing Paragraphs are incorporated herein by reference.

72. Prior to or within March of 2000, ITP caused significant discharges of pollutants from its Facility to the City's POTW, and thereafter to waters of the United States, in violation of the CWA, applicable Pretreatment Standards and the City's NPDES permit, that resulted in the release of hazardous substances, including

ammonia. The release of hazardous substances from this March 2000 Discharge Event contributed to an aquatic life kill in the Yellow River.

73. The aquatic life kill in the Yellow River was an injury to, destruction of, and/or loss of natural resources and the services they provide.

74. Pursuant to Section 107 of CERCLA, 42 U.S.C. § 9607; Section 311(f) of the CWA, 33 U.S.C. § 1321(f); and PSRPA, 16 U.S.C. § 19jj, ITP is liable for the recovery of damages for injuries to, destruction of, and/or loss of natural resources and the services they provide, including compensatory restoration, as a result of the release of hazardous substances from the March 2000 Discharge Event that contributed to the aquatic life kill in the Yellow River.

FOURTH CLAIM FOR RELIEF

(Failure to Provide Emergency Notification under CERCLA)

75. The allegations of the foregoing Paragraphs are incorporated herein by reference.

76. On December 20, 2003, from approximately 19:00 to 19:05 (twenty-four hour clock), ammonia was released from ITP's Facility in excess of the reportable quantity designated by 40 C.F.R. §§ 302.4 and 302.5.

77. ITP discovered the release referenced above at approximately 19:00 on December 20, 2003.

78. ITP did not immediately notify the National Response Center of the release as soon as it had knowledge of the release.

79. ITP is therefore in violation of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and of the requirements of 40 C.F.R. § 302.6.

FIFTH CLAIM FOR RELIEF

(Failure to Provide Emergency Notification under EPCRA)

80. The allegations of the foregoing Paragraphs are incorporated herein by reference.

81. The release of ammonia from ITP's Facility on December 20, 2003, was in an amount in excess of the reportable quantity designated by 40 C.F.R. §§ 302.4 and 302.5, and 40 C.F.R. Part 355, Appendix A.

82. ITP did not immediately notify the State Emergency Planning Commission of the release of ammonia on December 20, 2003.

83. ITP is therefore in violation of Section 304 of EPCRA, 42 U.S.C. § 11004, and of the requirements of 40 C.F.R. § 355.40(b).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court:

1. Pursuant to Section 309(b) of the CWA, 33 U.S.C. § 1319(b), enjoin ITP from any and all ongoing and future violations of the CWA by ordering compliance with the CWA, the Treatment Agreement incorporated into NPDES Permit number IA0375002, the Pretreatment Regulations, and Pretreatment Standards.

2. Pursuant to Section 109(c) of CERCLA, 42 U.S.C. § 9609(c), enjoin ITP from any and all further violations of Section 103 of CERCLA by ordering compliance

with Section 103 of CERCLA, 42 U.S.C. § 9603.

3. Pursuant to Section 325(b) of EPCRA, 42 U.S.C. § 11045(b), enjoin ITP from any and all further violations of EPCRA.

4. Pursuant to Section 309(d) of the CWA, 33 U.S.C. § 1319(d); Section 109(c) of CERCLA, 42 U.S.C. § 9609(c); and Section 332(b) of EPCRA, 42 U.S.C. § 11045(b), assess civil penalties against ITP, as permitted by law, up to the date of judgment herein.

5. Pursuant to Section 107 of CERCLA, 42 U.S.C. § 9607; Section 311(f) of the CWA, 33 U.S.C. § 1321(f); and PSRPA, 16 U.S.C. § 19jj, award monetary relief from ITP for natural resource damages, including compensatory restoration costs.

6. Award such other and further relief as the Court may deem just and proper.

Respectfully submitted,

CATHERINE R. MCCABE
Deputy Section Chief
Environmental and Natural Resources Division
Environmental Enforcement Section
United States Department of Justice
Box 7611 Ben Franklin Station
Washington, D.C. 20044

ARNOLD S. ROSENTHAL
Senior Counsel
Environmental Enforcement Section
Environmental and Natural Resources Division
United States Department of Justice
Box 7611 Ben Franklin Station
Washington, D.C. 20044

CHARLES W. LARSON, SR.
United States Attorney
Northern District of Iowa

By:

ROBERT M. BUTLER
Assistant United States Attorney
Northern District of Iowa
P.O. Box 74950
Cedar Rapids, IA 52407-4950

OF COUNSEL:

THOMAS V. SKINNER

Acting Assistant Administrator
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

PATRICIA GILLISPIE MILLER

Senior Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 7
901 N. 5th Street
Kansas City, Kansas 66101

LAURIE DUBRIEL

Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

KELLY BROOKS BAKAYZA

Attorney/Advisor
United States Department of the Interior
Office of the Solicitor
Three Parkway Center, Suite 385
Pittsburgh, PA 15220